

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ESSAR STEEL ALGOMA INC.,

Plaintiff,

-against-

NEVADA HOLDINGS, INC., f/k/a
SOUTHERN COAL SALES CORPORATION,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/8/2023

17 Misc. 360 (AT) (RWL)

ORDER

Before the Court is the Report and Recommendation (“R&R”) from the Honorable Robert W. Lehrburger, recommending that Plaintiff’s unopposed motion for attorney’s fees be granted. On August 2, 2023, the Court issued an order granting Plaintiff’s motion to enforce the settlement agreement between the parties and awarding Plaintiff reasonable attorney’s fees.¹ ECF No. 215 at 9. To determine the amount of attorney’s fees, the Court directed Plaintiff to submit an application. *Id.* Plaintiff filed the application on September 5, 2023, ECF No. 215, and refiled as separate documents on September 22, 2023, ECF Nos. 220–22; *see* ECF No. 223.

After careful consideration, Judge Lehrburger issued the R&R, proposing that the Court award Plaintiff attorney’s fees in the amount of \$154,701.90 and costs in the amount of \$1,339.68. R&R, ECF No. 224. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *Id.* at 9; *see* Fed. R. Civ. P. 72(b)(2); ECF No. 225. When no objection is made, the Court reviews the R&R for clear error. *See Whitley v. Bowden*, No. 17 Civ. 3564, 2019 WL 1953941, at *1 (S.D.N.Y. May 1, 2019) (collecting cases). The Court finds no clear error.

Accordingly, the Court ADOPTS Judge Lehrburger’s R&R in its entirety. Plaintiff’s motion for attorney’s fees is GRANTED. The Court awards Plaintiff attorney’s fees in the amount of \$154,701.90 and costs in the amount of \$1,339.68. The Clerk of Court is directed to terminate the motion at ECF No. 220 and enter judgment consistent with this order.

SO ORDERED.

Dated: December 8, 2023
New York, New York



ANALISA TORRES
United States District Judge

¹ The Court overruled Defendant’s objections to Judge Lehrburger’s earlier report and recommendation to grant Plaintiff’s motion to enforce the settlement agreement. ECF No. 215 at 2, 8.